

REMARKS

Claim Amendments

Claims 1-20 are pending in the present application. Claims 1-3, 7, 11-13, and 15-20 have been amended. Support for the amendments to claims 1, 12, and 20 can be found in Figure 5 and related portions of the specification. No new matter has been added.

Claims Rejections- 35 U.S.C. § 102

In the Action, the Examiner rejects claims 1, 3, 5, 8, 11 and 20 as being anticipated by Hughes (U.S. Patent No. 5,962,027). The Applicants respectfully submit that the amended language of claims 1 and 20 overcomes this rejection

Applicants understand Hughes to teach an instrument for subretinal implantation that consists of a tube, which has two different sides labeled 32b and 32a as cited by the Examiner. Nowhere does Hughes teach or suggest a surgical tool including an end portion having a front and back surface, with *“a base portion coupled to the back surface of the end portion at a first location of the back surface; and a top portion coupled to the back surface of the end portion at a second location of the back surface”* as recited in claim 1. Furthermore, a continually connected feature such as the tube as described by Hughes, clearly teaches away from the surgical tool described in claim 1, in which a base portion and a top portion are coupled to an end portion at a *“first location”* and a *“second portion”* as described in claim 1. In light of the above reasoning, Applicants respectfully request removal of the 35 USC § 102 rejection of claim 1.

Claim 20 describes a surgical tool for implantation of an electrode array containing

similar features to those described in claim 1. Therefore, for the same reasoning as applied to claim 1, Applicants respectfully request removal of the 35 USC § 102(a) rejection of claim 20.

Furthermore, Applicants respectfully submit that claims 3, 5, 8, and 11 by virtue of their dependency, either directly or indirectly, on claim 1 also overcome the 35 USC § 102(a) rejection.

Claims Rejections- 35 U.S.C. § 103

In the Action, the Examiner rejects claims 9-10, 12-15, 17, and 19 under 35 USC § 103(a) as being unpatentable over Hughes in view of Chow (EP 0460320 A1) and claims 2, 6, 7, and 17-18 as being unpatentable over Hughes in view of Tarrson (U.S. Patent No. 9,925,073).

Neither Chow nor Tarrson overcome the shortcomings of Hughes as recited above for independent claims 1 and 20. Applicants understand Chow to teach an artificial retinal device. Applicants understand Tarrow to teach a dental flow holder. Nowhere does Chow or Tarrson, or any combination of Chow and Tarrson with Hughes, teach or suggest the surgical tool described in claim 1, in which a base portion and a top portion are coupled to an end portion at a “*first location*” and a “*second portion*” as described in as described in independent claim 12, and similarly described in independent claims 1 and 20.

Therefore, in light of the above reasoning, Applicants respectfully request removal of the

35 USC § 103(a) rejection of independent claim 12. Furthermore, Applicants respectfully submit that claims 2, 6, 7, 9, 10, 12-25, and 17-19 by virtue of their dependency, either directly or indirectly, on claims 1 or 12, also overcome the 35 USC § 103(a) rejection.

Conclusion

Applicants respectfully contend that all conditions of patentability are met in the pending application as amended. All amendments herein are made without prejudice. The Examiner is respectfully requested to pass the application to issue.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 50-0922. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-0922.

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via electronic filing on

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